

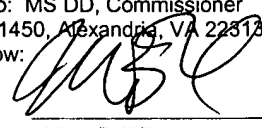
# FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
600 CONGRESS AVENUE, SUITE 2400  
AUSTIN, TEXAS 78701-3271  
WWW.FULBRIGHT.COM

MARK B. WILSON  
PARTNER  
MBWILSON@FULBRIGHT.COM

DIRECT DIAL: (512) 536-3035  
TELEPHONE: (512) 474-5201  
FACSIMILE: (512) 536-4598

December 18, 2003

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
December 18, 2003	
Date	Mark B. Wilson

MS DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: U.S. Patent Application No. 10/669,161 entitled "METHODS FOR VACCINE IDENTIFICATION AND COMPOSITIONS FOR VACCINATION COMPRISING NUCLEIC ACID AND/OR POLYPEPTIDE SEQUENCES OF THE HERPES VIRUS FAMILY" – Kathryn F. Sykes *et al.*  
Our reference: MCRO:002US  
U.T. Ref. UTSD:0833

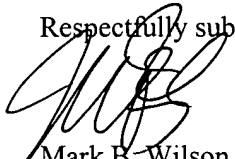
Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449, and references A1 and C1-C15.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/MCRO:002US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

  
Mark B. Wilson  
Reg. No. 37,259

MBW/kmb  
Encl.: as noted

25367016.1



PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Kathryn F. Sykes *et al.*

Serial No.: 10/669,161

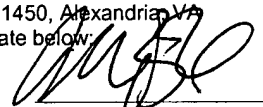
Filed: September 23, 2003

For: METHODS FOR VACCINE  
IDENTIFICATION AND  
COMPOSITIONS FOR VACCINATION  
COMPRISING NUCLEIC ACID AND/OR  
POLYPEPTIDE SEQUENCES OF THE  
HERPES VIRUS FAMILY

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: MCRO:002US

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
December 18, 2003	
Date	Mark B. Wilson

**INFORMATION DISCLOSURE STATEMENT**

**MS DD**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

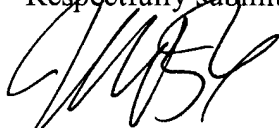
In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/MCRO:002US.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: December 18, 2003

Form PTO-1449 (modified)

Atty. Docket No.

Serial N .

MCRO:002US

10/669,161

List of Patents and Publications for Applicant's

Applicant

Kathryn F. Sykes *et al.*

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:

September 23, 2003

Group:

Unknown

U.S. Patent Documents

See Page 1

Foreign Patent Documents

See Page 1

Other Art

See Page 1

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	6,410,241	6/25/02	Sykes and Johnston	435	6	3/24/00

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Barry <i>et al.</i> , "Protection against mycoplasma infection using expression-library immunization," <i>Nature</i> , 377(6550):632-635, 1995.
	C2	Brayton <i>et al.</i> , "Expression library immunization to identify protective antigens from <i>Cowdria Ruminantium</i> ," <i>Ann. NY Acad. Sci.</i> , 849:369-371, 1998.
	C3	Browne <i>et al.</i> , "Analysis of protective immune responses to the glycoprotein H-glycoprotein L complex of herpes simplex virus type 1," <i>Journal of General Virology</i> , 74:2813-2817, 1993.
	C4	Ghiasi <i>et al.</i> , "Expression of seven herpes simplex virus type 1 glycoproteins (gB, gC, gD, gE, gG, gH, and gI): comparative protection against lethal challenge in mice," <i>Journal of Virology</i> , 68(4):2118-2126, 1994.
	C5	Ghiasi <i>et al.</i> , "Vaccination with a cocktail of seven recombinantly expressed HSV-1 glycoproteins protects against ocular HAV-1 challenge more efficiently than vaccination with any individual glycoprotein," <i>Vaccine</i> , 14(2):107-112, 1996.
	C6	Ivey <i>et al.</i> , "Identification of a protective antigen of <i>Coccidioides immitis</i> by expression library immunization," <i>Vaccine</i> , 21:4359-4367, 2003.
	C7	Kleymann <i>et al.</i> , "New helicase-primase inhibitors as drug candidates for the treatment of herpes simplex disease," <i>Nat. Med.</i> , 8(4):392-398, 2002.
	C8	Lowrie <i>et al.</i> , "Towards a DNA vaccine against tuberculosis," <i>Vaccine</i> , 12(16):1537-1540, 1994.

25353413.1

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)

Atty. D cket No.

Serial No.

MCRO:002US

10/669,161

List of Patents and Publications for Applicant's

Applicant

Kathryn F. Sykes *et al.*

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:

September 23, 2003

Group:

Unknown

U.S. Patent Documents

See Page 1

Foreign Patent Documents

See Page 1

Other Art

See Page 1

**Other Art (Including Author, Title, Date Pertinent Pages, Etc.)**

Exam. Init.	Ref. Des.	Citation
	C9	Manoutcharian <i>et al.</i> , "Protection against murine cysticercosis using cDNA expression library immunization," <i>Immunol. Lett.</i> , 62(3):131-136, 1998.
	C10	Melby <i>et al.</i> , "Identification of vaccine candidates for experimental visceral leishmaniasis by immunization with sequential fractions of a cNDA expression library," <i>Infection and Immunity</i> , 68(10):5595-5602, 2000.
	C11	Moore <i>et al.</i> , "Improved vectors for expression library immunization-application to mycoplasma hyopneumoniae infection in pigs," <i>Vaccine</i> , 20(1-2), 2001.
	C12	Peng <i>et al.</i> , "The gH-gL complex of herpes simplex virus (HSV) stimulates neutralizing antibody and protects mice against HSV type 1 challenge," <i>Journal of Virology</i> , 72(1):65-72, 1998.
	C13	Piedrafita <i>et al.</i> , "Protective immune responses induced by vaccination with an expression genomic library of leishmania major," <i>J. Immunol.</i> , 163(3):1467-1472, 1999.
	C14	Smooker <i>et al.</i> , "Expression library immunization protects mice against a challenge with virulent rodent malaria," <i>Vaccine</i> , 18:2533-2540, 2000.
	C15	Tang <i>et al.</i> , "Genetic immunization is a simple method for eliciting an immune response," <i>Nature</i> , 356:152-154, 1992.

25353413.1

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.